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7 Attorneys for Complainant

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9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2009-95*

13 TARYN D. PACCIONI,  
a.k.a. TARYAN WOODWARD PACCIONI  
14 40613 North Acadia Court  
Anthem, AZ 85086

**A C C U S A T I O N**

15 Registered Nurse License No. 649426

16 Respondent.  
17

18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation  
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing  
22 ("Board"), Department of Consumer Affairs.

23 2. On or about December 10, 2004, the Board issued Registered Nurse  
24 License Number 649426 to Taryn D. Paccioni, also known as Taryan Woodward Paccioni  
25 ("Respondent"). Respondent's registered nurse license was in full force and effect at all times  
26 relevant to the charges brought herein and will expire on December 31, 2008, unless renewed.

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**CAUSE FOR DISCIPLINE**

**(Disciplinary Action by the Arizona State Board of Nursing)**

7. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent was disciplined by the Arizona State Board of Nursing (hereinafter "Arizona Board"), as follows:

On or about May 15, 2008, pursuant to Consent Agreement and Order No. 0710029 in the disciplinary proceeding titled *In the Matter of Professional Nurse License No. RN083610 Issued to: Taryan Woodward Paccioni*, the Arizona Board placed Respondent's professional nurse license on suspension for an indefinite period pending her completion of a relapse recovery evaluation by a Ph.D. level Board-approved evaluator with expertise in substance abuse, completion of the Aftercare Program, and Rehabilitation IOP only if recommended by the Relapse Recover evaluator, with terms and conditions. The Arizona Board further ordered that upon completion of the terms of the indefinite suspension, Respondent's license will be placed on a 12-month stayed revocation probation followed by a 24-month standard probation with terms and conditions. Pursuant to the consent agreement, Respondent admitted, among other things, that on or about January 31, 2008, through February 4, 2008, she admitted herself to Aurora Behavioral Health in Phoenix, Arizona, for detoxification, had diverted morphine and Dilaudid while employed at Mayo Clinic Hospital, Scottsdale, Arizona, and John C. Lincoln Hospital, Phoenix, Arizona, and used the drugs everyday and was addicted to the drugs.

A true and correct copy of Consent Agreement and Order No. 0710029 is attached hereto as Exhibit "A" and incorporated herein by reference.

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1 PRAYER

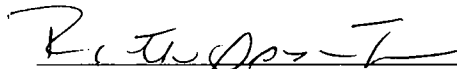
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 649426, issued  
5 to Taryn D. Paccioni, also known as Taryan Woodward Paccioni;

6 2. Ordering Taryn D. Paccioni, also known as Taryan Woodward Paccioni,  
7 to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement  
8 of this case, pursuant to Business and Professions Code section 125.3;

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: 10/27/08.

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13 RUTH ANN TERRY, M.P.H., R.N.  
14 Executive Officer  
15 Board of Registered Nursing  
16 Department of Consumer Affairs  
17 State of California

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**EXHIBIT A**

**CONSENT AGREEMENT AND ORDER NO. 0710029**

**Janet Napolitano**  
Governor



**Joey Ridenour**  
Executive Director

*Arizona State Board of Nursing*

4747 North 7<sup>th</sup> Street, Suite 200  
Phoenix AZ 85014-3653  
Phone (602) 889-5150 Fax (602) 889-5155  
E-Mail: [arizona@azbn.org](mailto:arizona@azbn.org)  
Home Page: <http://www.azbn.org>

**AFFIDAVIT OF CUSTODIAN OF RECORDS**

STATE OF ARIZONA

COUNTY OF MARICOPA

I, Joey Ridenour, Executive Director for the Arizona State Board of Nursing, County of Maricopa, State of Arizona, do hereby certify that I am the officer having the legal custody for the records hereto attached in the office of the Arizona State Board of Nursing, County of Maricopa, State of Arizona, a public office of said State. The attached copies are true copies of the records on **TARYN WOODWARD PACCIONI**. Personnel of the Arizona State Board of Nursing prepared the records during the ordinary course of business.

Witness my hand and the seal of the Arizona State Board of Nursing at 4747 N. 7th Street, Suite 200, Phoenix, Arizona 85020 on May 15, 2008.

SEAL

*Joey Ridenour R.N. M.N. F.A.A.N.*

Joey Ridenour, R.N., M.N., F.A.A.N.  
Executive Director

# Arizona State Board of Nursing

Date Printed: 05/15/2008

By: TRINA SMITH, INVESTIGATIONS

**NAME** TARYN WOODWARD PACCIONI

SSN: 527-29-0530

**GENDER:** F

**ETHNICITY:** White - Not of  
Hispanic Origin

DOB: 11/22/1963

**PLACE OF BIRTH CITY:** CLOQUET

**STATE:** MN

**MAILING ADDRESS**

10928 W ORANGWOOD AVENUE

GLENDALE AZ 85307

County: Maricopa

Country: UNITED STATES

**HOME PHONE:** N/A

**PAGER:** N/A

**CELL PHONE:** N/A

**BUSINESS PHONE:** N/A

**FAX:** N/A

**E-MAIL:** tdpaccioni@msn.com

**OTHER NAMES**

NAMES USED

REASON

NAMES USED

REASON

<NONE>

**AZ LICENSE/CERTIFICATION INFORMATION:**

**License/Certificate Number:** RN083610

**License Type:** REGISTERED NURSE

**Original Date:** 09/20/1993

**Expiration/Next Renewal Date:** 06/30/2009

**Last Issued Date:** 06/24/2005

**Original State of Licensure/Certification:** ARIZONA

**AZ LICENSE STATUS HISTORY**

<u>STATUS</u>	<u>FROM</u>	<u>TO</u>	<u>LAST MODIFIED BY:</u>
Active: Good Standing	09/20/1993		bn006840
Application Deficiency Notice Sent	11/26/1999	12/07/1999	bn006840
Multi State Privileges	07/01/2002	05/15/2008	SISTER RACHEL TORREZ
Complaint/Self Report	10/03/2007	03/20/2008	SISTER RACHEL TORREZ
UNDER INVESTIGATION	03/20/2008	05/15/2008	SISTER RACHEL TORREZ
Suspended	05/15/2008		SISTER RACHEL TORREZ

**SCHOOL INFORMATION**

<u>NAME</u>	<u>LOCATION</u>	<u>NCLEX CODE</u>	<u>DEGREE OBTAINED</u>	<u>GRADUATION DATE</u>
PHOENIX COLLEGE	PHOENIX AZ	96452		05/15/1993

**OTHER STATES OF LICENSURE/CERTIFICATION**

<u>LIC/CERT NO</u>	<u>STATE</u>	<u>LIC/CERT TYPE</u>	<u>STATUS</u>	<u>LIC/CERT DATE</u>	<u>ORIG STATE</u>
	CA		Active: Good Standing		N

**MOST RECENT APPLICATION INFORMATION**

**Year:** 2005

**Employment Status:**

**Type of Nursing Position:** Facility or Nursing Department Administrator/Supervisor

**Major Clinical or Teaching Area in Nursing:** Special Care (e.g. OR, ER, ICU, CCU)

**Principle Field of Employment:** Hospital

**ARIZONA STATE BOARD OF NURSING**

IN THE MATTER OF PROFESSIONAL  
NURSE LICENSE NO.: RN083610  
ISSUED TO:

TARYAN WOODWARD PACCIONI  
RESPONDENT

**CONSENT AGREEMENT  
AND  
ORDER NO. 0710029**

**CONSENT AGREEMENT AND ORDER**

A complaint charging Taryan Woodward Paccioni ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Board, and pursuant to A.R.S. § 41-1092.07 (F)(5), the undersigned parties enter into this Consent Agreement and Order ("Order") as a final disposition of this matter.

Based on the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. Respondent holds Board issued professional nurse license no. RN083610.
2. From on or about February 2007 until February 2008, Respondent was employed at Mayo Hospital Clinic in Scottsdale, Arizona.
3. On or about October 3, 2007, the Board received a complaint against Respondent's license submitted by Lori Zessin RN, Manager Mayo Hospital Clinic in Scottsdale, Arizona.
4. On or about November 29, 2007 the Board opened an investigation and sent Respondent correspondence notifying her the license was under investigation.



5. From on or about August 17, 2007, to September 7, 2007, a narcotic audit was done for Respondents use of narcotics. There were at least eighteen episodes with no wastage documented according to hospital policy. Respondent was the highest user for Dilaudid and Fentanyl.

6. From on or about February 12, 2007 until January 2008, Respondent was employed at John C. Lincoln Hospital in Phoenix, Arizona.

7. On or about February 1, 2008, a complaint was received from Linda Ott, RN, Manager of the Emergency Room (ER) alleging that Respondent was assigned to work in the ER had removed Dilaudid 2 mg. from the pyxis on or about January 8<sup>th</sup>, 11<sup>th</sup>, 15<sup>th</sup>, 16<sup>th</sup>, 18<sup>th</sup>, and 19<sup>th</sup>, 2008, and had failed to document according to facility policy.

8. On or about February 2, 2008, Respondent told Board staff she had admitted herself to Aurora Behavioral Health in Phoenix, Arizona on or about January 31, 2008 through February 4, 2008 for detoxification. Respondent admitted diverting Morphine and Dilaudid from Mayo Clinic Hospital and John C. Lincoln Hospital. She said she used the drugs everyday and knew she was addicted to the drugs.

9. On or about March 27, 2008, the Board received a third complaint from Arrowhead Community Hospital. From on or about March 14, 2008 to March 22, 2008, staff noted narcotic discrepancies of Demerol, Morphine and Ativan when Respondent was assigned to the ER.

10. On or about March 27, 2008, Concentric Registry staff requested that Respondent undergo a urine drug screen (UDS) for cause. The UDS was positive for Codeine, Morphine, Hydrocodone, and Hydromorphone. Respondent requested a second UDS to be done. The second UDS was completed on or about March 31, 2008, and it was negative.

11. On or about April 10, 2008, in an interview with Board staff, Respondent told Board staff that the positive UDS on March 27, 2008 was not her urine. Respondent said she had used urine from one of the patients in the ER. Respondent denied that she had removed any medications from the facility or diverted any medications for her personal use.

### **CONCLUSIONS OF LAW**

Pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

The conduct and circumstances described in the Findings of Fact constitute violations of A.R.S. § 32-1663 (D) as defined in § 32-1601(16)(d) and (j), and A.A.C. R4-19-403 (B) (7), (9), (18), (16), (17), (18), and (31) (adopted effective November 13, 2005).

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. § 32-1664(N) to revoke, suspend or take disciplinary action against the license of Respondent to practice as a professional nurse in the State of Arizona.

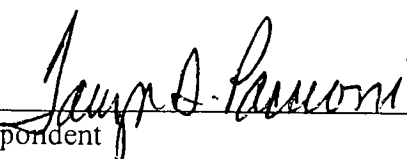
Respondent admits the Board's Findings of Fact and Conclusions of Law.

In lieu of a formal hearing on these issues, Respondent agrees to issuance of the following Order and waives all rights to a hearing, rehearing, appeal, or judicial review relating to this Order, except in the limited circumstance(s) specified in Paragraphs 6 Terms of Suspension and 12 Terms of Stayed Revocation Probation of this Order.

Respondent understands the right to consult legal counsel prior to entering into the Order and such consultation has either been obtained or is waived.

Respondent understands that the term "Order" used throughout this document refers to all pages of the document including Findings of Fact, Conclusions of Law and all suspension/probationary terms and conditions and paragraphs of the Order.

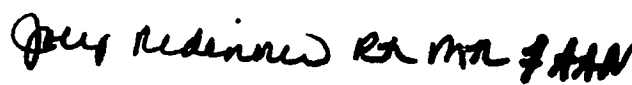
Respondent understands that this Consent Agreement is effective upon its acceptance by the Board and by Respondent as evidenced by the respective signatures thereto. Respondent's signature obtained via facsimile shall have the same effect as an original signature. Once signed by the Respondent, the agreement cannot be withdrawn without the Board's approval or by stipulation between the Respondent and the Board's designee. The effective date of this Order is the date the Consent Agreement is signed by the Board and by Respondent. If the Consent Agreement is signed on different dates, the later date is the effective date.

  
Respondent

Dated: 5-15-08

ARIZONA STATE BOARD OF NURSING

SEAL

  
Joey Ridenour, R.N., M.N., F.A.A.N.  
Executive Director

Dated: 5/15/08

TORREZ/RN083610 PACCIONI

**ORDER**

In view of the above Findings of Fact, Conclusions of Law and consent of Respondent, the Board hereby issues the following Order:

- A. Respondent's professional nurse license number is placed on suspension for an indefinite period pending: 1) completion of a relapse recovery evaluation by a Ph.D. level Board-approved evaluator with expertise in substance abuse; 2) completion of Aftercare Program and 3)

Rehabilitation IOP **only** if recommended by the Relapse Recovery evaluator, with terms and conditions.

B. Upon completion of the terms of the indefinite suspension, Respondent's professional nurse license will be placed on a 12-month Stayed Revocation Probation followed by a 24-months standard Probation with terms and conditions. During the stay of revocation probation portion of this Order, Respondent's professional nurse license number RN083610 is hereby **revoked**; however, the **revocation is stayed** for as long as Respondent remains in compliance with this Order. Before termination of this Order, Respondent shall work as a professional nurse for a minimum of 12 months (not less than sixteen hours a week).

C. If Respondent is noncompliant with any of the terms of the Order during the suspension, Respondent's noncompliance shall be reviewed by the Board for consideration of possible further discipline on Respondent's professional nursing license.

D. If Respondent is non-compliant with any of the terms of the Order during the twenty-four month stayed revocation period, the stay of the revocation shall be lifted and Respondent's license shall be automatically revoked for a minimum period of 5 years. Except as provided in Paragraphs 5 Terms of Suspension and Terms of Stayed Revocation Probation and 2 & 6 Terms of Stayed Revocation of this Order, the Board or its designee, in its sole discretion, shall determine noncompliance with the stayed portion of the Order. With the exception of the provisions identified in Paragraphs 5 Terms of Suspension and Terms of Stayed Revocation Probation and 2 & 6 Terms of Stayed Revocation, Respondent waives any and all rights to any further review, hearing, rehearing or judicial review of any revocation imposed pursuant to this paragraph.

E. At any time Respondent is required by terms of the Order to provide a copy of the Order to another individual or facility the Respondent must provide all pages of the Consent Agreement and Order.

F. If Respondent is convicted of a felony, Respondent's license shall be automatically revoked for a period of five years. Respondent waives any and all rights to a hearing, rehearing or judicial review of any revocation imposed pursuant to this paragraph.

G. The suspension is subject to the following terms and conditions:

### **TERMS OF INDEFINITE SUSPENSION**

1. Surrender of License

Within seven days of the effective date of the consent agreement Respondent shall surrender the license to the Board and Respondent shall not practice nursing for an indefinite period.

2. Relapse/Recovery Evaluation

Within in 30 days of the effective date of this Order, Respondent shall make an appointment to undergo a relapse recovery evaluation by a Board-approved evaluator who is at minimum Ph.D. with expertise in substance abuse. Prior to the evaluation, Respondent shall provide a copy of the Findings of Fact, Conclusions of Law and the Order, and the evaluator shall verify receipt of the Order, in writing in a report on letterhead, to the Board. Respondent shall immediately execute the appropriate release of information forms, to allow the evaluator to communicate with the Board or its designee. The report from the evaluator should include a history of substance abuse, past treatment, present status of recovery and participation in recovery activities, and recommendations for on-going treatment. Respondent will complete all

recommendations as recommended by the evaluator and the Board reserves the right to amend the Order based on the recommendations of the evaluator.

If recommended, Respondent shall enroll in a relapse prevention program or other recommended therapy within 30 days of being notified by the Board of the recommendations from the evaluator. Respondent shall cause the program facilitator to inform the Board, in writing, verifying enrollment in the program. Prior to entry into any recommended therapy, Respondent shall provide a copy of this Consent Agreement and Order to include Findings of Fact and Conclusions of Law, and Order to the program facilitator. Respondent shall immediately execute the appropriate release of information form(s) to allow the facilitator to communicate information with the Board or its designee. Respondent shall participate in treatment or therapy until the Board receives verification from the facilitator in writing that Respondent has successfully completed the treatment requirements. During participation in treatment Respondent shall cause the provider or program facilitator to submit to the Board, in writing on a Board-approved form, evidence of satisfactory attendance, participation, discharge and successful completion of the program. Such reports are due beginning on the first quarterly reporting date after entry into treatment or therapy program and quarterly thereafter, according to schedule, and until verification of successful completion of the program has been received by the Board.

3. Rehabilitation Program

If found to be chemically dependent or in need of treatment, within 30 days of being notified by the Board of the recommendations from the evaluator, Respondent shall enter and successfully complete a State licensed chemical dependency rehabilitation program. Upon entry, Respondent shall sign release of information forms allowing the program to inform the

Board of Respondent's entry, progress in and discharge or termination from the program. Within seven days of the completion of the program, Respondent shall cause the program director to provide the Board with documentation confirming Respondent's completion of the program and treatment recommendations. The Board or its designee may amend this Order based on the treatment programs recommendations.

4. Aftercare Program

If found to be chemically dependent or in need of treatment, within seven days of completing a chemical dependency rehabilitation program, Respondent shall enroll in and successfully complete a state licensed chemical rehabilitation aftercare program. Upon entry, Respondent shall sign release of information forms allowing the program to inform the Board of Respondent's entry, progress in and discharge or termination from the program. Respondent shall cause the program to provide to the Board, in writing and on the Board-approved form, evidence of satisfactory progress in the program, as well as discharge or termination from the program. Such reports are due beginning on the first quarterly reporting date after entry into the program and quarterly thereafter according to schedule, until completion of the aftercare program. Within seven days of the completion of the program, Respondent shall cause the program director to provide the Board with documentation confirming Respondent's completion of the program and any additional treatment recommendations.

5. Drug Testing

Within 7 days of the effective date of this Order, and throughout the term of this Order, Respondent shall remain enrolled in a program that meets Board criteria for random drug testing. Random drug testing shall be done at a minimum of twice per month, and may be required more frequently as requested by the Board or its designee. Respondent shall notify the

drug testing laboratory and the Board, in writing, of unavailability to test before the anticipated absence. If Respondent is unable to submit a specimen on a date requested due to illness, Respondent must provide in writing within 7 days of the missed specimen, documentation from a medical provider who has personally seen Respondent on the day of the requested drug test confirming that Respondent was not physically able to report to the laboratory for drug testing.

**Otherwise failing to submit to a drug test on a day when a drug test has been requested by the Board, its designee, or the laboratory will constitute noncompliance with this Order, NOT subject to further review.** A positive drug test showing evidence of any drug other than an authorized drug shall result in immediate notification of Respondent's employer by the Board. However, any occurrence of the following constitutes noncompliance with this Order, subject to further review if contested in writing by Respondent: a positive drug test showing evidence of any drug other than an authorized drug; submission of a specimen where the integrity has been compromised as indicated by the presence of adulterants; or submission of a urine sample that is below the acceptable volume or temperature to be tested. If contested by Respondent, Respondent shall, within five days of being notified of the non-compliance, submit a written request for further review and the reason(s) for contesting the results. **If so contested, the noncompliance shall be investigated by Board staff and reviewed and substantiated by the Board's designee, to include a written verification attesting to the validity and reliability of Respondent's drug screening results from the Toxicologist or Medical Review Officer affiliated with the drug screening laboratory. If so investigated, reviewed, substantiated and verified, the stay of revocation shall be lifted and Respondent's license automatically revoked, NOT subject to further review.**

6. Violation of Suspension



If Respondent violates suspension in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke Respondent's license or take other disciplinary action. If a complaint is filed against Respondent during suspension, the Board shall have continuing jurisdiction until the matter is final, and the period of suspension shall be extended until the matter is final.

7. Completion of Suspension

After Respondent has successfully completed all terms of the Indefinite Suspension as determined by the Board's or its designee, Respondent's license shall be placed on a 12-month Stayed Revocation Probation with terms and conditions.

**TERMS OF SUSPENSION AND STAYED REVOCATION PROBATION**

1. Renewal of License

If Respondent's professional nursing is expired at the time of the effective date of the Consent Agreement and Order, Respondent must renew the license within seven days of the effective date. In the event the practical license is scheduled to expire during the duration of this Order, Respondent shall apply for renewal of the practical license and pay the applicable fee before the expiration date. Failure to renew within seven days of the effective date of this Order, if it is expired, or failure to renew a license by the last date in which the license is to expire, shall be considered as noncompliance.

2. Nurse Recovery Group

Within seven days of the effective date of this Order, Respondent shall enroll in a Board-acceptable Nurse Recovery Group if a group is available within 40 miles. Respondent

shall sign release of information forms allowing the group facilitator to inform the Board, in writing and on letterhead, of Respondent's entry and progress in the group. Respondent shall attend a Nurse Recovery Group once per week and have no "Unexcused" absences or "No call/No show" occurrences.

3. Participation in AA/NA

(a) Within seven days of the effective date of this Order, and throughout the term of this Order, Respondent shall participate at least weekly, or as recommended by the Rehabilitation Program, in Alcoholics Anonymous, Narcotics Anonymous, or an equivalent program, and shall submit to the Board, in writing on Board-approved forms, quarterly reports which are initialed by her sponsor. The first report is due by the end of the first month after the effective date of the Order, and quarterly thereafter according to the assigned reporting dates.

(b) Respondent shall obtain a temporary sponsor, if participating in a 12 step program, within 30 days of the effective date of this Order and a permanent sponsor within 60 to 90 days. Respondent shall maintain a sponsor relationship throughout the terms of this Order.

4. Abstain from Alcohol Use

Respondent shall completely abstain from the use of alcohol.

5. Abstain from Unauthorized Drug Use/Proof of Prescription

Respondent shall completely abstain from the use or possession of controlled substances, and dangerous drugs as defined by law, or any drugs requiring a prescription.

Orders prohibiting Respondent from personal use or possession of controlled substances or dangerous drugs do not apply to medications lawfully prescribed to Respondent for an illness or condition by a medical provider. During the duration of this Order, Respondent shall select one medical provider to coordinate his health care needs and to be aware of all

prescriptions utilized. Within seven days of the effective date of this Order, Respondent shall cause all medical providers who have prescribed medications which are currently being used by the Respondent daily or on an as needed basis to provide in writing, on letterhead, verification of knowledge of Respondent's history of substance use, awareness of Respondent's Consent Agreement and Order with the Board, and documentation of current medications prescribed for Respondent. Respondent shall execute all release of information form(s) as required by the Board or its designee so that Respondent's medical providers shall be able to communicate information with the Board. Prior to receiving treatment from any other medical provider(s), Respondent shall notify the medical provider(s) of Respondent's history of substance use and of the existence of the Order. DURING THE COURSE OF THE ORDER RESPONDENT SHALL CAUSE ANY AND ALL PROVIDERS TO NOTIFY THE BOARD OF THEIR AWARENESS OF RESPONDENT'S HISTORY OF SUBSTANCE USE, BOARD ORDER, AND NOTIFICATION OF ANY MEDICATIONS ORDERED BY THE PROVIDER. THE NOTIFICATION SHALL BE MADE IN WRITING WITHIN ONE WEEK OF THE PROVIDER'S ISSUANCE OF THE PRESCRIPTION.

If Respondent has a lawful prescription for a controlled substance, Respondent shall cause his prescribing provider to provide monthly reports to the Board regarding the continued need for the prescribed narcotic or mood-altering medications within seven days of the 30<sup>th</sup> day of each month. The Board or its designee may, at any time, request the provider to document the continued need for prescribed medications. Such report from the provider shall be received by the Board within 14 days of the request. Respondent shall keep a written record of medications taken, including over-the-counter drugs, and produce such record upon request by the Board or its designee.

6. Release of Information Forms

Respondent shall sign all release of information forms as required by the Board or its designee and return them to the Board within ten days of the Board's written request. Failure to provide for the release of information, as required by this paragraph constitutes noncompliance with this Order.

7. Interview with the Board or its Designee

Respondent shall appear in person or if residing out of state, telephonically for interviews with the Board or its designee upon request and with at least two days notice.

8. Change of Employment/Personal Address/Telephone Number

Respondent shall notify the Board, in writing, within seven days of any change in nursing employment, personal address or telephone number. Changes in nursing employment include the acceptance, resignation or termination of employment.

9. Obey All Laws

Respondent shall obey all laws/rules governing the practice of nursing in this state and obey all federal, state and local criminal laws. Respondent shall report to the Board, within 10 days, any misdemeanor or felony arrest or conviction.

10. Costs

Respondent shall bear all costs of complying with this Order.

11. Voluntary Surrender of License

Respondent may, at any time this Order is in effect, voluntarily request surrender of her license.

**TERMS OF PROBATION (Stayed Revocation)**

1. Stamping of License

Following completion of the Indefinite Suspension, Respondent's license shall be stamped "Probation" and returned to Respondent. While this Order is in effect, if the Board issues any certificates or licenses authorized by statute, except a nursing assistant certificate, such certificate or license shall also be stamped **"PROBATION."** Respondent is not eligible for a multistate "Compact" license.

2. Drug Testing

Within 7 days of the effective date of this Order, and throughout the term of this Order, Respondent shall remain enrolled in a program that meets Board criteria for random drug testing. Random drug testing shall be done at a minimum of twice per month, for a period of 18 months, thereafter, a minimum of once per month, and may be required more frequently as requested by the Board or its designee. Respondent shall notify the drug testing laboratory and the Board, in writing, of unavailability to test before the anticipated absence. If Respondent is unable to submit a specimen on a date requested due to illness, Respondent must provide in writing within 7 days of the missed specimen, documentation from a medical provider who has personally seen Respondent on the day of the requested drug test confirming that Respondent was not physically able to report to the laboratory for drug testing. Otherwise failing to submit to a drug test on a day when a drug test has been requested by the Board, its designee, or the laboratory will constitute noncompliance with this Order, NOT subject to further review. A positive drug test showing evidence of any drug other than an authorized drug shall result in immediate notification of Respondent's employer by the Board. However, any occurrence of the following constitutes noncompliance with this Order, subject to further review if contested in writing by Respondent: a positive drug test showing evidence of any drug other than an authorized drug; submission of a specimen where the integrity has been compromised as

indicated by the presence of adulterants; or submission of a urine sample that is below the acceptable volume or temperature to be tested. If contested by Respondent, Respondent shall, within five days of being notified of the noncompliance, submit a written request for further review and the reason(s) for contesting the results. If so contested, the noncompliance shall be investigated by Board staff and reviewed and substantiated by the Board's designee, to include a written verification attesting to the validity and reliability of Respondent's drug screening results from the Toxicologist or Medical Review Officer affiliated with the drug screening laboratory. If so investigated, reviewed, substantiated and verified, the stay of suspension shall be lifted and Respondent's license automatically suspended, NOT subject to further review.

3. Relapse Prevention Therapy

Within seven days of the completion of any required rehabilitation program and aftercare, Respondent shall enter a Board approved Relapse Prevention Therapy Program. Respondent shall immediately execute the appropriate release of information form(s) to allow the facilitator to communicate information to the Board or its designee, and Respondent shall immediately provide a copy of this Consent Agreement and Order to include Findings of Fact and Conclusions of Law to the facilitator. Within seven days of entering treatment, Respondent shall cause the facilitator to submit to the Board written verification of Respondent's enrollment in the Program, and verification of receipt of Respondent's entire Consent Agreement. Thereafter, Respondent shall cause the facilitator to provide quarterly reports to the Board according to the quarterly reporting schedule assigned to Respondent. Respondent shall continue undergoing treatment until the facilitator provides written notification to the Board, indicating

that treatment is no longer needed. The Board reserves the right to amend the Order based on recommendation(s) of treating professional(s).

4. Relapse Prevention Evaluation

Eighteen months prior to the termination of the Order or as requested by the Board or its designee, Respondent shall be evaluated by a certified relapse prevention therapist, and, if recommended by the therapist, Respondent shall enter, participate regularly and successfully complete a relapse prevention program, or any other recommendations as designated by the relapse prevention evaluator.

If recommended, Respondent shall enroll in a relapse prevention program or other recommended therapy within 30 days of being notified by the Board of the recommendations from the evaluator. Respondent shall cause the program facilitator to inform the Board in writing verifying enrollment in the program. Prior to entry into a relapse prevention program or any type of other recommended therapy, Respondent shall provide a copy of this Consent Agreement and Order to include Findings of Fact and Conclusions of Law, and Order to the program facilitator. Respondent shall immediately execute the appropriate release of information form(s) to allow the facilitator to communicate information with the Board or its designee. Respondent shall participate in the relapse prevention program or therapy until the Board receives verification from the facilitator in writing that Respondent has successfully completed the program. During participation in the program Respondent shall cause the program facilitator to submit to the Board, in writing on a Board-approved form, evidence of satisfactory attendance, participation, discharge and successful completion of the program. Such reports are due beginning on the first quarterly reporting date after entry into the relapse prevention program and quarterly thereafter,

according to schedule, for the remainder of the probationary period or verification of successful completion of the program.

5. Notification of Practice Settings

Any setting in which Respondent accepts employment, which requires RN licensure, shall be provided with a copy of the entire Order on or before the date of hire. Within seventy-two hours of Respondent's date of hire, Respondent shall cause her immediate supervisor to inform the Board, in writing and on employer letterhead, acknowledgment of the supervisor's receipt of a copy of this Consent Agreement and Order and the employer's ability to comply with the conditions of probation. In the event Respondent is attending a nursing program, Respondent shall provide a copy of the entire Consent Agreement and Order to the Program Director. Respondent shall cause the Program Director to inform the Board, in writing and on school letterhead, acknowledgment of the program's receipt of a copy of the Consent Agreement and Order and the program's ability to comply with the conditions of probation during clinical experiences.

6. Quarterly Reports

Within 30 days of the effective date of this Order, and quarterly thereafter, Respondent shall cause **every** employer Respondent has worked for to submit to the Board, in writing, quarterly employer evaluations on the Board-approved form. In the event Respondent is not employed in nursing or attending school during any quarter or portion thereof, Respondent shall submit to the Board, in writing, a self-report describing other employment or activities on the Board-approved form.

Receipt of confirmation of employment disciplinary action, including written counseling(s), suspension, termination or resignation in lieu of termination from a place of



employment, any of which pertains to improper patient care, unsafe practice, inappropriate medication removal or administration, sub-standard documentation, or impairment on duty, positive drug test showing evidence of any drug other than an authorized drug, and/or refusal to submit to an employer requested drug screen/testing, shall be investigated by Board staff and reviewed and substantiated by the Board's designee. If so investigated, reviewed and substantiated, the employment disciplinary action shall be considered as noncompliance with the terms of the Order, and the stay of revocation shall be lifted and Respondent's license automatically revoked. If Respondent contests the lifting of the stay as it relates to this paragraph, Respondent shall request in writing, within ten days of being notified of the automatic revocation of licensure, that the matter be placed on the Board agenda for the Board to review and determine if the automatic revocation of Respondent's license was supported by substantial evidence. If the written request is received within ten (10) days of a regularly scheduled Board meeting, the request will NOT be heard at that meeting, but will be heard at the NEXT regularly scheduled Board meeting. Pending the Board's review, Respondent's license shall be reported as revoked – under review. Respondent may not work in any capacity involving nursing licensure pending the Board's review. The Board's decision and Order shall not be subject to further review.

Failure to provide employer evaluations or if not working in nursing, self-reports, within seven days of the reporting date is non-compliance with this Order and is not subject to further review.

7. Access to Drugs

Respondent shall not administer or have access to controlled substance and/or any other potentially addictive substance, including but not limited to, Nubain and Stadol

medications, at least during the first six months of the probationary status. Upon evidence of full compliance with the probationary terms, the Board or its designee shall evaluate and provide written notification of Respondent's ability to administer controlled substances.

8. Practice Under Direct/On-site Supervision

Respondent shall practice as a professional nurse, only under the direct supervision of a professional nurse in good standing with the Board, for the first 12-months. Direct supervision is defined as having a professional nurse present on the same unit with the Respondent whenever Respondent is practicing as a professional nurse. Thereafter and until completion of probation, Respondent shall practice only under the on-site supervision of a professional nurse in good standing with the Board. On-site supervision is defined as having a professional nurse in present in the building while Respondent is on duty. The supervising nurse shall have read this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law, and Order, and shall provide input on Respondent's employer evaluations to the Board. The supervising nurse shall be primarily one person, who may periodically delegate to other qualified personnel, who shall also have read this Consent Agreement and Order to include Findings of Fact, Conclusions of Law. In the event the assigned supervising nurse is no longer responsible for the supervision required by this paragraph, Respondent shall cause his new assigned supervising nurse to inform the Board, in writing and on employer letterhead, acknowledgment of the new supervising nurse's receipt of a copy of this Consent Agreement and Order to include Findings of Fact and Conclusions of Law and the new supervising nurse's agreement to comply with the conditions of probation within seven days of assignment of a new supervising nurse.

9. Acceptable Hours of Work

Respondent can work any shift. Evening shift is defined as a shift that ends prior to midnight. Within a 14-day period Respondent shall not work more than 84 scheduled hours.

Respondent may work three 12-hour shifts in one seven day period and four 12-hour shifts in the other seven-day period, but Respondent may not work more than three consecutive 12-hour shifts during this probationary period. Respondent shall not work two consecutive eight hour shifts within a 24 hour period or be scheduled to work 16 hours within a 24 hour period.

10. Registry Work Prohibited

Respondent may not work for a nurse's registry, home health, traveling nurse agency, any other temporary employing agencies, float pool, or position that requires on-call status.

11. Out of State Practice/Residence

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, it must first be approved by the Board prior to leaving the state. If Respondent fails to receive such approval before leaving the state, none of the time spent out of state will be credited to the fulfillment of the terms and conditions of this Order.

12. Violation of Probation

If during the stayed revocation portion of the Order Respondent is non-compliant with the terms of the Order in any way, the stay of revocation shall be lifted and Respondent's license shall be automatically revoked. If during the standard probation portion of the Order Respondent is noncompliant with the terms of the Order in any respect, the Board staff may notify the Respondent's employer of the non-compliance. Additionally, the Board may revoke probation and take further disciplinary action for noncompliance with this Consent Agreement and Order after affording Respondent notice and the opportunity to be heard. If a complaint or

petition to revoke probation is filed against Respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

13. Completion of Probation

When Respondent has nine months left in the probationary period, Respondent's compliance will be reviewed by the Board's designee. If Respondent has demonstrated full compliance with all terms of the Order, Respondent will be eligible to participate in a "stepdown" component of the Order where reports from AA and Nurse Recovery Group will no longer be required, and Respondent shall submit to "on-call" urine drug screens as requested by the Board or its designee.

Respondent is not eligible for early termination of this Order. Upon successful completion of the terms of the Order, Respondent shall request formal review by the Board, and after formal review by the Board, Respondent's nursing license may be fully restored by the appropriate Board action if compliance with this Order has been demonstrated.

ARIZONA STATE BOARD OF NURSING

SEAL

*Joey Ridenour R.N. M.N. F.A.A.N.*

Joey Ridenour, R.N., M.N., F.A.A.N.  
Executive Director

Dated: 5/15/08

JR/SRT:dh

COPY mailed this 5<sup>th</sup> day of May 2008, by First Class Mail, to:

Taryn Woodward Paccioni  
10928 West Orangwood Avenue  
Glendale, Arizona 85307

By: Trina Smith, Legal Secretary